

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 5264 of 2015 ()

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CRIME NO. 798/2015 OF PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT
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APPLICANT/ACCUSED NO.3:

**-----
YUNUS ALI,S/O.USMAN,
PATTANI SHAIK HOUSE, THEKKONOD,
PERINTHALMANNA, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.M.RAFIQ

RESPONDENT/COMPLAINANT:

**-----
STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY ADDL.DGP SRI.K.I.ADBUL RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.5264 of 2015

Dated this the 8th day of September, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the 3rd accused in Crime No.798 of 2015 of Perinthalmanna Police Station registered for the offences punishable under Sections 143, 147, 148, 118, 302 r/w Section 149 of the Indian Penal Code.

3. Prosecution allegation is that on 14.06.2015 at about 07.00 p.m., the petitioner along with other accused persons in furtherance of their common object of committing murder of the deceased formed themselves into an unlawful assembly, committed rioting armed with deadly weapons in front of a bar at Perinthalmanna and thereafter, the first accused stabbed the deceased and accused 2 and 3 firmly held the deceased at that time.

4. Heard the learned counsel for the petitioner and learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that allegations against the second accused are the same

and he was released on bail by the Sessions Court.

6. Learned ADGP opposed the bail application contending that overtacts are played by this accused.

7. Reckoning the stage of investigation and the fact that the accused is in custody from 17.06.2015 onwards. I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the Investigating Officer on all Mondays and

Thursdays between 10.00 a.m and 11.00 a.m.
until the final report is filed.

- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.
- (g) The accused shall surrender his passport forthwith before the learned Magistrate. If he does not possess a passport, he shall file an affidavit to that effect.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge

